

**CITY OF MANISTEE
PLANNING COMMISSION**

Thursday, May 2, 2019 7:00 p.m.
Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan

AGENDA

- 1) Call to Order**
Pledge of Allegiance
- 2) Roll Call**
- 3) Approval of Agenda**
At this time the Planning Commission may approve the May 2, 2019 Agenda.
- 4) Approval of Minutes**
At this time Planning Commission may approve the April 4, 2019 Minutes.
- 5) Public Hearing**
There is no public hearing today.
- 6) Public Comment on Agenda Related items**
All comments and handouts from the speaker at the podium will go through the Chair, also there will not be any interaction between the podium and audience. If these rules cannot be followed, the Chair can terminate this portion of the meeting.
- 7) Special Presentation(s)**
There is no Special Presentation today.
- 8) New Business**
 1. Manistee Project Rising Tide – Workforce Housing: Zoning Analysis
 2. Small Wireless Communication Facilities: Draft Zoning Amendment
- 9) Old Business**
- 10) Public Comments and Communications**
At this time the Chair may ask if there are any public comments.
- 11) Correspondence**
At this time the Chair may ask if any correspondence has been received to be read into the record.
- 12) Staff Reports**
Zoning Staff Reports.
- 13) Members Discussion**
At this time the Chair may ask members of the Planning Commission if they have any items they want to discuss.
- 14) Adjournment**

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

April 4, 2019

A meeting of the Manistee City Planning Commission was held on Thursday, April 4, 2019 at 7 pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:00 pm by Chair Wittlieff followed by the Pledge of Allegiance.

ROLL CALL

Members Present: Rochelle Thomas, Michael Szymanski, Marlene McBride, Roger Yoder, Pamela Weiner and Mark Wittlieff

Members Absent: Bob Slawinski

Others: Tamara Buswinka (City Zoning Administrator), Robert Carson (County Planning & Zoning Director), Nancy Baker (Recording Secretary)

APPROVAL OF AGENDA

Mr. Carson wished to amend the agenda to include a Work Session meeting and a Public Hearing meeting on Recreational Marijuana. The Work Session meeting is to be set for Thursday, April 18th and the Public Hearing on Thursday, May 16th, both at 7 pm in the Council Chambers.

Motion by Commissioner McBride, seconded by Commissioner Szymanski that the agenda be approved as amended.

With a Roll Call vote this motion passed 6 to 0.

Yes: Szymanski, Thomas, Yoder, Weiner, McBride and Wittlieff

No: None

APPROVAL OF MINUTES

Motion by Commissioner Thomas, seconded by Commissioner McBride that the minutes for the March 7, 2019 Planning Commission Meeting be approved as prepared.

With a Roll Call vote this motion passed 6 to 0.

Yes: Szymanski, Thomas, Yoder, Weiner, McBride and Wittlieff

No: None

PUBLIC HEARING

There was no Public Hearing.

PUBLIC COMMENT ON AGENDA RELATED ITEMS

There was no Public Comment on Agenda Related Items.

SPECIAL PRESENTATION(S)

There were no Special Presentations.

NEW BUSINESS

170 Glocheski Drive Lot Split; Parcel 51-51-190-143-00

Ms. Buswinka has reviewed the lot split request located in the Industrial Park area. The split meets all the standard requirements of the Zoning Ordinance and the Land Division Act. Ms. Buswinka notified the Commission that through an email Jeff Mikula, City DPW, stated the City has utilities running underneath the property and the City is working with the applicant to obtain the easements. The 1 lot will be split into 2 lots. Each lot size will be beyond the lot size requirements. She recommended to approve the split.

Greg Ferguson, 170 Glocheski Drive; stated the survey shows a parking lot with a retaining wall that is 12 feet from the split property line.

Motion by Szymanski, seconded by Commissioner Yoder to accept and forward to the City Council the recommendation of granting the land split of parcel 51-51-190-143-00, 170 Glocheski Drive.

With a Roll Call vote this motion passed 6 to 0.

Yes: Szymanski, Thomas, Yoder, Weiner, McBride and Wittlieff

No: None

OLD BUSINESS

There was no Old Business.

PUBLIC COMMENTS AND COMMUNICATIONS

There was no Public Comment and Communications.

CORRESPONDENCE

There was no Correspondence.

STAFF

Mr. Carson requested the small cell wireless ordinance be placed on the May 2nd meeting agenda. Citizen Planner tutorial trainings will be planned to fit into a future meeting. Mr. Yoder suggested this be done in the fall with the possibility of having a separate meeting if needed.

MEMBERS DISCUSSION

Commissioner McBride inquired about the purpose of the land split. Ms. Buswinka stated the land owner did not share a reason for the split. Commissioner McBride inquired about the 10th Street property by the water that is for sale. Mr. Carson stated this property is for sale and was originally intended to be a marijuana facility. There are new buyers interested in the property with the intent of developing it for the same purpose.

ADJOURNMENT

Motion by Commissioner Yoder, seconded by Commissioner Thomas that the meeting be adjourned.

MOTION PASSED UNANIMOUSLY. Meeting adjourned at 7:23 pm.

The next regular meeting of the Planning Commission will be held on Thursday, May 2, 2019.

MANISTEE PLANNING COMMISSION

Nancy Baker, Recording Secretary

project memorandum

Date: May 2, 2019
From: Claire Karner, AICP
To: City of Manistee Planning Commission
Project: Manistee Project Rising Tide – Workforce Housing

Manistee was chosen by the Michigan Economic Development Corporation (MEDC), Talent Investment Agency, and Michigan State Housing Development Authority (MSHDA) as a Rising Tide community. Project Rising Tide is an initiative to provide at-risk communities with the tools they need to design and build a successful economic framework. It supports vibrant, thriving communities to attract business investment and talent by creating a sustainable path toward economic stability and growth.

With funding and technical assistance from the State of Michigan, Manistee has convened a steering committee made up of diverse community leaders to help identify key projects and initiatives to address through Project Rising Tide. One effort the steering committee has decided to tackle is to implement policies, programs, and funding mechanisms that support housing options in Manistee. The following memo summarizes options for zoning and other ordinance amendments to support more affordable diverse housing in Manistee.

Housing Options

Accessory Dwelling Units - Accessory dwelling units (ADUs) are an integral part of any housing affordability strategy, and are aimed at providing a low-cost rental unit as well as stabilizing the income of homeowners. In many instances, ADU regulations require that the property owner live on premise to reduce the likelihood of short-term rentals. Currently, Manistee allows ADUs by Special Land Use permit in R-2 and R-3 and by right in C-3. The City could consider amending the ordinance to permit these by right in all residential districts. By allowing uses by right, the City can reduce administrative staff time and expedite the approval process to make the process less costly and more efficient for developers and local government.

Duplex – Currently duplexes are permitted through special use permit in all residential zoning districts except R-1. Duplexes support increased density and can increase the supply of rental housing in single-family neighborhoods. The City could consider allowing duplexes as a use by right in all residential zoning districts except R-1.

Upper Story Accessory Dwellings – Upper story residential dwellings are currently permitted in C-3. The City could consider also permitting these in C-2 to support walkable mixed-use development beyond the central business district.

Housing Downtown – The City could consider permitting multi-family housing throughout the district, with the exception of ground floor facades along the main street sidewalk.

Parking Requirements

Shared Parking: Parking can be combined between adjacent or nearby uses, especially when they have peak utilization periods that do not coincide, such as professional office and multi-family residential. Currently, the Manistee Zoning Ordinance requires two (2) spaces per dwelling unit for single family, duplex units and mobile homes and one and a half (1.5) spaces for multi-family. In the C-3 district, one (1) space shall be provided per dwelling unit. Currently, Manistee allows shared parking in C-1, C-2, C-3, and P-D districts so long as it can be demonstrated that sufficient quantities for all such uses shall be available at all times. This provision requires verification on when peak parking occurs and could lead to some challenges in meeting the requirement depending on the intensity of future development.

Planned Unit Developments

Currently, the City of Manistee does not have a minimum size for a PUD and allows PUDs to be residential-only. These provisions allow for a creative cottage-style housing development within existing neighborhoods. While it appears this type of development is permitted, the ordinance could be amended to explicitly state this type of development is permitted and encouraged through PUD.

Minimum Dwelling Size

The City could consider reducing the minimum dwelling unit size to allow for more creative housing options. Traditionally, communities have excluded homes smaller than 20 feet in width in most zoning districts to restrict the ability of mobile homes to locate in general zoning districts. One option is to provide a special provision in the ordinance for Economy Efficiency Units. These dwelling types could be permitted in certain (or all) residential districts and would be built to all relevant building and sanitary codes, qualify for a certificate of occupancy, be connected to utilities, and is anchored to a permanent foundation. Currently, the minimum width is 20' (C-1, W-F, R-2, R-3 and P-D), 25' (R-1). The minimum square footage in Manistee in R-1 is 1,500 square feet and 960 in R-2.

Residential Density

Currently, the Manistee ordinance limits residential density in the C-3 district for upper floor residential to no more than two (2) bedrooms (Section 15.04). The City may want to consider removing this standard to allow for larger units that may accommodate families in the Central Business District. The maximum residential density permitted anywhere in the city is 17 units per acre. There could be districts in which a higher density allotment is appropriate.

project memorandum

The City could also consider offering density bonuses to encourage new housing. These could be allowed if: near transit, not less than 30% of the units are provided at or below 60% AMI for rental or 80% AMI for owner-occupied. Units shall be designed so as to be comparable to market-rate units (so as to make it indistinguishable between them. As an example, the City of Grand Rapids instituted a density bonus = reduction of 500 sq ft of lot area required per unit.

Remove Discretionary Standards

Discretionary standards in the development site plan review process can increase ambiguity and leave potential developers without a clear path to the design requirements. As an example, according to the Manistee Zoning Ordinance (Mixed Use Development) "The mixing of uses will be compatible with adjacent land uses, the natural environment, and the capacities of affected public services and facilities, and such use shall be consistent with the public health, safety and welfare of City of Manistee residents... designed in such a manner that it augments the City's traditional neighborhood patterns...and establish(es) neighborhood places that will define and strengthen the community character and supplement the identity of the City." (p. 40). In contrast, non-discretionary standards could include specific landscaping and buffering requirements. The planning commission may consider removing the discretionary standards related to housing or clarifying them to reduce ambiguity.

Sources:

RRC User's Guide to Zoning Reform, Congress for the New Urbanism & Michigan Municipal League. 2018.

Networks Northwest 2018 Housing Summit:

<https://www.networksnorthwest.org/community/housing-choices/2018-housing-summit.html>



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4/24/2019

To: City of Manistee Planning Commission Members

From: Rob Carson, Manistee County Planning Director

RE: Small Wireless Communications Facilities

Overview:

Legislation enacted by the Michigan Legislature has necessitated amendments to the City of Manistee's Zoning Ordinance as it pertains to the allowance for locating Small Wireless Facilities. There is a need to edit exiting language as it pertains to Wireless Communication Facilities, in order to differentiate between Small Cell and "Standard" Wireless Communication Facilities. New language and provisions need to be added to account for Small Cell Facilities.

This amendment language has been reviewed by the City Attorney, placed appropriately in the Manistee News Advocate for the advertised public hearing, and is ready for Planning Commission recommendation to Council following the public hearing on May 2nd.

New Zoning Amendments and Language:

Small Wireless Facilities under the new legislation are to be a use by right "permitted use" in all ROW areas for public utilities. The legislation does allow for some provisions to be utilized for siting the facilities, but zoning language cannot be more restrictive than what is provided for within the Act.

Amend Article Two Definitions & Interpretations:

The following definitions need to be added to the Ordinance. The definitions in black text are taken directly from the Legislation, the red text denotes suggested additions to clarify against "Standard" Wireless Communication Facilities as currently found in the Ordinance.

- Applicant: means a wireless provider that submits an application described in the act.
- Authority: means City
- Authority Pole: means a utility pole owned or operated by an authority and located in the ROW
- Colocate: means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. "Collocation" has a corresponding meaning. Colocate does not include make-ready work or the installation of a new utility pole or new wireless support structure.
- Communications facility: means the set of equipment and network components, including wires, cables, antennas, and associated facilities, used by a communications service provider to provide communications service.
- Nonauthority Pole: means a utility pole used for electric delivery service and controlled by the governing body of a municipally owned electric utility.

- ROW: means the area on, below, or above a public roadway, highway, street, alley, bridge, sidewalk, or utility easement dedicated for compatible uses. Public right-of-way does not include any of the following: (private ROW, limited access highway, land owned or controlled by a railroad as defined in section 109 railroad code, railroad infrastructure
- Small Cell Wireless Facility: means a wireless facility that meets both of the following requirements:
 - Each antenna is located inside an enclosure of not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than 6 cubic feet.
 - All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
 - Are located within a public ROW and are placed on installed or existing utility poles that are forty (40) feet or less in height with all communication facilities not extending higher than forty-five (45) feet in total height.

Amend Article Three Districts, Dimensional Standards, Uses Tables & Zoning Map:

The Use Table within the Zoning Ordinance will need to be amended to include “DAS/Small Cell Wireless Facilities (Public ROW)”. This will be a permitted use in all zoning districts.

Amend Article Five General Provisions:

Creation of a new “Section 536 DAS/Small Cell Wireless Facilities (Public ROW)” which will have the following language:

Section 1: Purpose and Intent:

The purpose of this section is to regulate the installation of distributed antenna systems, small cell telecommunications equipment, or similar data wireless network equipment in the public rights-of-way within the City of Manistee.

Section 2: License Requirements:

- a) Licenses Required: No person shall install or operate, in whole or in part, DAS Facilities in a public right-of-way within the City without first applying for and receiving a DAS Facilities License from the City in a form and subject to such terms and conditions as is acceptable to the City. Nothing herein shall be interpreted to require the City to issue such a license as it determines to be in the best interest of the City and its citizens.
- b) METRO Act Permit: No person shall install or operate “telecommunications facilities” as defined in the METRO Act, without first obtaining a permit under the Act from the City in accordance with the METRO Act, including any part of a DAS/Small Cell/Wireless system constituting telecommunications facilities.

Section 3: Design Parameters:

Where permitted by the City, the following minimal design parameters shall apply to DAS Facilities in City public rights-of-way:

- a) The required map(s) for proposed DAS Facilities shall be legible, to scale, labeled with streets, and contain sufficient detail to clearly identify the proposed DAS/Small Cell/Wireless Network Facilities' locations and surroundings. Where applicable, the required map or list shall include and identify any requested pole height(s).
- b) The maximum height of a pole or other supporting installed or existing to accommodate DAS/Small Cell/Wireless Network shall be forty (40) feet.
- c) All communication facilities shall not extend more than five (5) feet above the height of the pole and at no time shall any communications facilities extend more than forty-five (45) feet in height.
- d) Unless otherwise permitted in Section 3 (j), DAS Facilities shall be located no closer than eighteen (18) inches from an existing sidewalk/face of curb or eighteen (18) inches from a proposed future sidewalk/face of curb location.
- e) Unless otherwise permitted in Section 3 (j), DAS Facilities shall be located no closer than ten (10) feet from any driveway.
- f) Projecting antenna or other equipment shall be located at a height sufficient to not pose a hazard or obstruction to persons or vehicles, and to provide sufficient separation distance from power lines and similar facilities.
- g) In residential areas, DAS Facilities shall be located in line with a side lot line whenever possible and not in front of a house.
- h) No logos, emblems or symbols shall be placed on any portion of the communications facilities which is viewable to the public.
- i) All communications facilities should be designed to blend with the neighboring environment to the greatest extent possible. All communications facilities shall be of a color scheme which blends with the neighboring environment, and/or is subdued in color.
- j) The licensee shall field-stake all proposed locations for DAS Facilities which shall be subject to the approval of the City Board of Public Works, Michigan Department of Transportation and/or the Manistee County Road Commission as applicable. Issuance of a license by the City shall allow installation of facilities only on those poles and in locations approved in the license. Installation of any different facilities or locations shall require written amendment of the license.
- k) Once precise locations have been approved in accordance with Section 3 (j), the licensee shall provide latitude and longitude coordinates for the DAS Facilities' locations to the City BPW Director, Planner and Engineer.
- l) The licensee shall be responsible to obtain such other permits and approvals as required by law.

Section 4: Compliance with Applicable Law:

The City, in reviewing and authorizing a permit under the Act and/or a license referred to in this section, and the licensee, in the establishment and operation of any DAS/Small Cell/Wireless Network Facilities, shall comply with all applicable federal and state laws.

Section 5: Fees:

Fees for the agreement and permits required shall be as provided for in the Act or those documents and as periodically authorized by resolution of the City Council.

Section 6: Other Approvals:

In addition to obtaining a license for DAS Facilities pursuant to this ordinance, the

applicant shall be responsible for obtaining permission from the Manistee County Road Commission, Michigan Department of Transportation, utility or other easement holders, property owners and all other entities or persons required to give consent for such location.

Existing Zoning Language to be Amended:

Existing regulatory language which pertains to “Wireless Communication Facilities” must be amended to provide differentiation between these facilities and “DAS/Small Cell/Wireless Network Facilities”.

Amend Article Two Definitions & Interpretations:

Wireless Communication Facility Definition must be amended as follows: Structure or other facility attached directly to the ground in excess of **forty-five (45) feet** in height which may be utilized in conjunction with other equipment to transmit and/or receive radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals.

Amend Article 18 Standards and Requirements for Special Uses:

The following Sections must be amended as provided:

Section 1893 A. Definition. Structures or other materials attached directly to the ground in excess of **forty-five (45) feet** in height.....

Section 1893 H.3: All proposed towners more than **forty-five (45) feet** in height.....